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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,718	09/28/2005	Kenji Oshima	590157-2021	9814
Matthew K Ryan Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
EXAMINER				
YAN, REN LUO				
ART UNIT		PAPER NUMBER		
2854				
MAIL DATE		DELIVERY MODE		
08/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/541,718

Applicant(s)

OSHIMA ET AL.

Examiner

Ren L. Yan

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-33 is/are pending in the application.
- 4a) Of the above claim(s) 20, 21 and 23-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 11-22-2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's election without traverse of Group III, claims 19 and 22 in the reply filed on 6-13-2008 is acknowledged.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-329401 in view of JP 2001-260406.

The '401 patent teaches a thermal energy control system for controlling heating energy to a thermal head perforating stencil material unrolled from a stencil material roll characterized by a residue obtaining means 20 which obtains a residue of the stencil material in the stencil material roll, and a control means CPU which controls the heating energy applied to the stencil material on the basis of the residue obtained by the residue obtaining means in order to maintain consistent size of the heat perforation images on the stencil material. The heating energy that applied to the stencil material is controlled through the control of the rotational speed of a platen roller which is disposed in contact with the thermal head 11 and which in turn affect the heating energy applied to the stencil material and thus the size of the heat perforation images. See the English abstract and Figs. 4 and 5 in the '401 patent for details.

However, the '401 patent does not teach to directly control the heating energy applied to the thermal head as recited.

The '406 patent teaches a thermal head control system comprising means for obtaining the actual sensitivity of the recording paper material and a thermal head controlling means which controls the heating energy to the thermal head 58 on the basis of the paper material sensitivity obtained so as to control the print density of various colors by the thermal head. See the English abstract and Figs. 4-6 in the '406 patent for example.

Since both the '401 patent and the '406 patent teach to control the heating energy applied to the stencil or paper material by the thermal head, one of ordinary skill in the art would have recognized that controlling the rotational speed of the platen roller affecting the length of time that the material is in contact with the thermal head and controlling the heating energy applied to the thermal head would have the same effect of controlling the heating energy applied to the paper or stencil material.

Absent unexpected results, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the thermal energy control system in the '401 patent with the means for controlling the heating energy applied to the thermal head as taught by the '406 patent so as to predictably control the heating energy applied to the stencil material resulting in consistent size of the heat perforation images on the stencil material.

With respect to claim 22, the combination of the '401 patent and the '406 patent also teaches an elapsed time obtaining means which obtains the elapsed time from the production of the paper material roll wherein the thermal head controlling means controls the heating energy to the thermal head on the basis of the elapsed time from the production of the paper material roll obtained by the elapsed time obtaining means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L. Yan whose telephone number is 571-272-2173. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ren L Yan/
Primary Examiner, Art Unit 2854
July 24, 2008